

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TRACY HOLMES,	)	
	)	
Petitioner,	)	8:10CV371
	)	
v.	)	
	)	
	)	MEMORANDUM OPINION
	)	
Respondent.	)	
_____	)	

This matter is before the Court on its own motion. On October 19, 2010, the Court entered a Memorandum and Order stating that petitioner's Petition for Writ of Habeas Corpus (Filing No. [1](#)) was insufficient because petitioner had failed to name a respondent and had failed to include the \$5.00 filing fee. (Filing No. [3](#).) The Court gave petitioner until November 12, 2010, to amend his petition to state the person or persons who were allegedly restraining him, and to pay the \$5.00 filing fee. ([Id.](#) at CM/ECF p. 2.) Petitioner was warned that failure to correct the petition's defects could result in the dismissal of the petition. ([Id.](#) at CM/ECF p. 1.) Petitioner paid the \$5.00 filing fee (see text entry of October 25, 2010), but failed to amend his petition to name a respondent. This matter will be dismissed without prejudice for failure to prosecute and to

comply with the orders of the Court. A separate order will be entered in accordance with this memorandum opinion.

DATED this 2nd day of December, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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